

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:05 CR 249
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
WILLIAM HARTM)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT</u>
	<u>AND</u>	
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David S. Perelman, regarding the change of plea hearing of William Hartman, Jr., which was referred to the Magistrate Judge with the consent of the parties.

On May 25, 2005, the government filed a three-count indictment against Defendant William Hartman, Jr., for knowingly receiving and distributing in interstate and foreign commerce, by computer, numerous computer image files, which files contained visual depictions of real minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2). All in violation of Title 18, United States Code, Section 2252(a)(2); knowingly

receiving and distributing child pornography, as defined in Title 18, United States Code, Section 2256(8), that has been shipped and transported in interstate and foreign commerce, by computer. All in violation of Title 18, United States Code, Section 2252A(a)(2); and did knowingly possess a computer that contained child pornography, as defined in Title 18, United States Code, Section 2256(8), which had been shipped and transported in interstate and foreign commerce by any means including by computer, and which were produced using materials which had been so shipped and transported, by any means including by computer. All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

On June 13, 2005, a hearing was held in which Defendant Hartman, entered a plea of not guilty before Magistrate Judge Perelman. On November 8, 2005, Magistrate Judge David S. Perelman received Defendant Hartman's plea of guilty to counts 1 and 3, and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Perelman filed his R&R on November 8, 2005.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Hartman is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Hartman is adjudged guilty of Counts One and Three in violation of Title 18 Section 2252(a)(2) and Title 18 Section 2252A(a)(5)(b). This matter is referred to the

U. S. Probation Department for the completion of a pre-sentence investigation and report.

Sentencing will be on February 3, 2006, at 10:00 a.m. in Courtroom 17-A.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE